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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,590	07/07/2000	Hi-Chan Moon	678-512 (P9486)	9296

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Paul J. Farrell, Esq.
DILWORTH & BARRESE
333 Earle Ovington Boulevard
Uniondale, NY 11553

EXAMINER

JUNG, MIN

ART UNIT PAPER NUMBER

2663

DATE MAILED: 10/08/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/611,590

Applicant(s)

MOON ET AL.

Examiner

Min Jung

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, line 7, the meaning of "the data rate to be used" is unclear in that it is not clear whether it is referring to the "maximum data rate" recited at line 5, or simply mean "a data rate" within the maximum rate? In claim 9, second to the last line, "the access preamble signature" lacks antecedent basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-8, 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Parsa et al., US 6,480,525 (Parsa).

Parsa discloses a collision resolution for packet data communication in a CDMA system.

Specifically, regarding claims 1-3, and 6-7, and 17, Parsa teaches an uplink channel assignment method for user equipment in a CDMA communication system, comprising the steps of: transmitting an access preamble signal having channel information, the channel information being used to access a base station (col. 7, lines 58-62); receiving an access preamble acquisition indicator signal from the base station in response to the access preamble signal (col. 8, lines 15-19); transmitting a collision detection preamble for the reconfirmation of the right of using an uplink channel in response to the received access preamble acquisition indicator signal (col. 8, lines 40-45); receiving a first signal indicating acquisition of the collision detection preamble and a second signal indicating channel assignment, in response to the collision detection preamble (col. 8, lines 45-48, and 52-61); and upon receipt of the first and second signal, transmitting uplink channel data through an uplink channel assigned by the second signal (col.4, lines11-14).

The channel is allocated according to a combination of a signature included in the access preamble (AP signature, col. 7, line 58) and a signature included in the second signal (CD1-ICH, col. 8, line 57).

The signature included in the access preamble indicates a channel characteristic desired by the user equipment (col. 7, lines 58-62) and the signature included in the second indicator signal indicates assignment information of the channel which can support the channel characteristic desired by the user equipment (col. 8, lines 52-61).

Further, Parsa teaches transmitting power control preamble to adjust an appropriate power level for the message (col. 7, lines 53-60).

Regarding claims 4, 5, 8, and 18, a method of uplink channel assignment method is recited from the perspective of a base station. The method steps correspond to the steps recited in claims 1 and 6, and since the communication is between a base station and a mobile station, the teaching of Parsa outlined above for claims 1 and 6 also apply to this group of claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9-16, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parsa.

Parsa teaches the claimed invention except for the step of selecting a signature for the data rate to be used. Parsa provides teaching of selecting a signature from a set of predefined signatures, but is silent on "data rate". Parsa, however, teaches a plurality of signature groups. Data rate and a channel (or group of channels) having to accommodate a certain data rate for QOS or other needs is a common issue which has been widely dealt with in the communication industry. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Parsa to integrate the feature of data rate information in the access preamble for requesting a channel to optimize the match between a channel and a MS.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Esmailzadeh patent, 6,259,724, the Masui et al. patent, 6,393,013, and the Tiedemann, Jr. et al. patent, 6,256,301 are cited for further references.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is 703-305-4363. The examiner can normally be reached on Monday-Friday, 7AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2663

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

MJ
October 1, 2003


Min Jung
Primary Examiner